

MINUTES
TENNESSEE BOARD OF DISPENSING OPTICIANS

Date: June 4, 2004

Time: 9:00 a.m., CST

Location: Cumberland Room
Ground Floor, Cordell Hull Building
425 Fifth Avenue, North
Nashville, TN 37247

Board Members

Present: Kelly Godsey, DPO, Chair
Kathy Hawkins, DPO, Secretary
Happy Moyer, DPO
Edward Risby, DPO
Peggy Hannah, DPO
Felda Stacey, DPO

Staff

Present: Joan Burk, Board Administrator
Nicole Armstrong, Advisory Attorney
Rick Agee, Unit Director
Robbie Bell, HRB Director

Mr. Godsey called the meeting to order at 11:13 a.m. All board members were present at the meeting.

Mr. Godsey welcomed guests Roy Ferguson, Ph.D., Bill Penny and Fran James to the meeting.

Review and approve Minutes

Upon review of the March 31, 2004 minutes, Ms. Hannah made a motion, seconded by Ms. Moyer to accept the minutes upon correction. The motion carried.

Report from Lisa Tittle and Brenda Newsom regarding the written examination

Mr. Godsey thanked Ms. Tittle and Ms. Newsom for attending the meeting and stated the board needs a vendor to give the written examination because administration is encouraging boards to get out of the testing business.

Ms. Tittle stated she and Ms. Newsom could assist in developing the requirements but the proposals would go out as a request for proposal for bidding purposes. Ms. Tittle said vendors wanting to bid on the written exam must go through the RFP process and Ms. Newsom will work

with the board to send out bid requests. Ms. Tittle said the vendor may charge the board a one time fee for the exam as vendors must provide proof that the exam is psychometrically sound. Mr. Godsey asked if the board could use their revenue for the one time exam fee as they have not been able to use it in the past. Ms. Tittle said the board could use their revenue to pay for the development of the exam.

Ms. Armstrong said the rule change to state the board will no longer administer written exams will take approximately a year.

Ms. Tittle stated it would take around seven months to lay out a contract. At Mr. Godsey's request, Ms. Tittle said she would try to have the RFP ready by the October meeting.

The board nominated Ms. Moyer, Ms. Hannah and Mr. Godsey to serve on a Task Force, along with an administrative staff person, to promulgate questions for the written exam and criteria for the contract. Ms. Tittle and Ms. Newsom agreed to assist the Task Force with any technical assistance and Mr. Godsey will coordinate the Task Force Meetings.

Ms. Bell reinforced the need for the RFP process and suggested the board obtain an exam from another state that has been deemed psychometrically sound.

In reply to Ms. Stacey's question as to who make the final decision of the exam, Ms. Bell said the evaluation team will look at specific grading procedures and evaluation along with the vendor's qualifications, experience and costs.

Report from Jerry Kosten, Rules Manager

Mr. Kosten said a rulemaking hearing was conducted May 13, 2004 to amend Rule 0480-1-.12 pertaining to continuing education course provider documentation.

Upon discussion of the amendment, Ms. Stacey made a motion, seconded by Dr. Risby, to accept the amendment as written. A roll call vote was conducted and all board members voted in the affirmative with the exception of Ms. Moyer. The motion carried.

The board asked Mr. Kosten to schedule a rulemaking hearing to amend Rule 0480-1-.12(3)(b.)8. as the board will no longer accept courses pending American Board of Opticianry or the National Contact Lens Examiners approved. A letter from the provider must accompany the application for course approval.

Investigative Report

Ms. Phelps provided the board with the procedures for filing a complaint with an explanation of how the procedure works. Ms. Phelps said of the five complaints received in 2004 four were closed with no action and one was sent to the Office of General Counsel.

Disciplinary Report

Ms. Phelps stated she is currently monitoring one disciplined Dispensing Optician. Ms. Phelps reviewed the discipline history which gives the disciplinary actions by the board from 1981 to present.

Conflict of Interest Policy

Ms. Armstrong reviewed the Conflict of Interest Policy with the Board reminding the members to disclose any conflicts of interest they may have when sitting in on a case.

Office of General Counsel Report

Ms. Armstrong stated Rule 0480-1-.14 which limits the time an individual can remain in the apprenticeship program, and Rule 0480-1-.15 regarding orders of modification and compliance and personal appearances by disciplined licensees are currently under review by the Office of the Attorney General.

Ms. Armstrong said there are five open files in OGC, none of which are scheduled for presentation at today's meeting.

Financial Report

Mr. Agee reviewed the revised financial report distributed by Ms. Tittle. Mr. Agee said the board has revenues in excess of \$150,000.

Administrative Report

Mr. Agee said there are 816 active, 175 retired and 342 failed to renew dispensing opticians, 147 apprentice files and 71 applications in process.

Mr. Agee said there is no longer a freeze on in and out-of-state travel and asked board members to submit travel requests as soon as they receive information on a conference/meeting they want to attend.

Discuss Disciplinary Guidelines

Ms. Armstrong said Ms. Bell developed the disciplinary guidelines based on the scope and severity of the discipline, such as level 2 is a letter of reprimand and/or a Type C civil penalty and level 3 is suspension. Ms. Armstrong stated the chart is flexible which allows the board to deviate between categories of discipline. Ms. Armstrong said the board will need a vote to adopt the guidelines.

Upon review, Ms. Moyer made a motion, seconded by Ms. Hannah, to adopt the guidelines as written. The motion carried.

Discuss Public Chapter 575

Ms. Armstrong said Public Chapter 575 allows the board to authorize a consultant to determine the release of medical records instead of a board member.

Ms. Hannah made a motion, seconded by Ms. Moyer, to accept Public Chapter 575 for the board. The motion carried.

Discuss and consider individual continuing education provider requests

Ms. Moyer made a motion, seconded by Ms. Hannah, to deny the following continuing education courses submitted by **Jimmy Howard** as the request was not received thirty (30) days prior to the board meeting:

Sponsor: Professional Opticians of Florida

Courses: Progressive Lenses Design, Professional Dispensing Increase Value, Dispensing to the Past Lask Patient , Increase your RX capture, Reduction of Medical Error, Contact Lens Materials and Design, Contact Lens in Your Store

Dates: July 23-24, 2004

Hours: 8

The motion carried.

Ms. Moyer made a motion, seconded by Ms. Stacy, to deny the following continuing education courses submitted by **Frank Norwood** as Mr. Norwood did not submit pertinent information required to support his request:

Sponsor: CEDO

Courses: Ocular Anatomy, CL Fitting Techniques & Problem Solving

Date: June 6, 2004

Hours: 3

The motion carried.

Ms. Stacey made a motion, seconded by Ms. Moyer, to accept the following continuing education course and submitted by **John Parker**:

Sponsor: American Optometric Association

Courses: ABC's of Triag, Ocular Pathologies for the Paraoptometric, The "Keys" to New Lens Technology

Date: June 24, 2004

Hours: 5

The motion carried.

Ms. Hawkins made a motion, seconded by Ms. Moyer, to accept the following continuing education course offered by the **Tennessee Dispensing Opticians Association**:

Sponsor: Tennessee Dispensing Opticians Association

Course: What you need to know about the New Ansi Z87.1-2003 Standard

Date: October 10, 2004

Hours: 2

The motion carried.

Discuss and consider ratification of reinstated Dispensing Opticians

Ms. Moyer made a motion, seconded by Ms. Stacey, to delay the reinstatement of **Joy B. Waterbury** pending receipt of proof of four additional continuing education hours. Upon receipt of the additional hours, Ms. Burk will issue Ms. Waterbury a go-to-work letter which will allow her to commence her practice pending ratification of her license at the October meeting. The motion carried.

Ms. Hawkins made a motion, seconded by Dr. Risby, to ratify the reinstatement of **Diane Olphie Daunis**. The motion carried.

Mr. Godsey made a motion, seconded by Ms. Hawkins, to ratify the reinstatement of **John R. Ledbetter**. The motion carried.

Discuss and approve applicants to be issued go to work letters

Ms. Hawkins made a motion, seconded by Ms. Moyer, to approve the following applicants to be issued go to work letters:

Mandy Marvel

Terrell Flanary

Teresa Bailey

Pamela Groves

The motion carried.

Discuss and consider ratification of newly licensed Dispensing Opticians

There are no newly licensed Dispensing Opticians to ratify.

Ms. Hannah asked Ms. Burk to sunshine the need to require proof of continuing education with renewals for the October 13, 2004 meeting.

With no other board business to conduct Ms. Hannah made a motion, seconded by Ms. Moyer to adjourn at 2:43 p.m., June 4, 2004. The motion carried.

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